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TAGS: KSCA EFIS SENV AS
SUBJECT: WHALING: SMITH KEEPS LEGAL ACTION AGAINST JAPAN ON
THE TABLE

REF: CANBERRA 530

Classified By: Economic Counselor Edgard Kagan, Reasons 1.4(b)(d)

¶1. (SBU) Summary: Australia's Foreign Minister Stephen Smith reiterated on June 19 that Australia remained committed to international legal action against Japan if progress is not made on stopping lethal scientific whaling in the International Whaling Commission (IWC). Smith made his comments in New Zealand, where he also participated in the announcement of a joint expedition, including New Zealand scientific and maritime resources, to conduct non-lethal research in the Antarctic. Smith's statement, which reflected no change in the official Australian position, was necessary to reassure domestic supporters that Environment Minister Garrett and Smith were not backsliding on the whaling issue as the IWC prepares to meet next week. End Summary.

¶2. (SBU) Foreign Minister Smith's statement in New Zealand is the second major whaling comment released by the government on the eve of the IWC meetings in Madeira. Environment Minister Garrett, in a speech on June 15, told his Australian audience that Australia was "entitled" to two outcomes at this year's IWC meetings in Madeira: real progress and genuine engagement. Garrett welcomed the U.S. pledge to reform the IWC by mid-2010 and strong opposition to lethal scientific whaling. Department of Environment, Water, Heritage Assistant Secretary Andrew McNeese and Department of Foreign Affairs and Trade Environment Branch Head Ruth Adler told Econoff on June 19 that Smith's statements reflected no change in Australian policy and reinforced the importance Australia was placing on seeing real progress, especially on scientific whaling, at the IWC this year. Garrett will be proposing at Madeira that all scientific whale research be brought under the authority of the commission and all research be underpinned by genuine scientific need. Garrett was careful, however, to avoid saying that all research should be non-lethal. Instead, he said all research should be done "in the most humane and ethical way."

¶3. (SBU) The announcement of the joint Australia-New Zealand non-lethal research expedition is intended to remind the domestic and international audiences that Australia is putting more than US\$10 million into a cooperative non-lethal alternative, the Southern Ocean Research Partnership. The expedition will take six weeks and take place aboard the New Zealand research vessel Tangaroa. New Zealand, always a

supporter of the idea, is the first country to buy into the research with their own resources. Although announced by Garrett last year, this is the first major organized research activity under the partnership.

¶4. (C/NF) Comment: It is important to note the slight change in rhetoric in Garrett's statements. While the hard line consistently put out by Smith and Garrett here was that Australia had to see positive progress at IWC 61 this year, Garrett had to carefully walk that back to accepting indications that progress would be made both at IWC 61 and IWC 62 in 2010. We suspect that the Australian's view this as necessary to stay in step with the U.S. Smith's affirmation of the possibility of legal action on whaling is Qaffirmation of the possibility of legal action on whaling is likely designed to pave the way to justify waiting until the results of IWC 62 are known before taking legal action. End Comment.

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